

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<b>I. (a) PLAINTIFFS</b> JOHANNA EGAN  <b>(b)</b> County of Residence of First Listed Plaintiff <u>Philadelphia County, PA</u> (EXCEPT IN U.S. PLAINTIFF CASES)  <b>(c)</b> Attorneys (Firm Name, Address, and Telephone Number) Richard P. Myers, Esquire Paul, Reich & Myers, P.C. 1608 Walnut Street, Suite 500 Philadelphia, PA 19103 (215) 735-9200	<b>DEFENDANTS</b> BELL AND HOWELL, LLC, incorrectly designated as Bowe, Bell & Howell Co., Inc.  County of Residence of First Listed Defendant <u>IL</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.  Attorneys (If Known) Jonathan Dryer, Esquire and Rochelle M. Fedullo, Esquire Wilson Elser Moskowitz Edelman & Dicker LLP 6 <sup>th</sup> & Walnut Streets, Suite 1130 East Philadelphia, PA 19106 (215) 627-6900
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<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width: 100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td>X 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	X 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)			
<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise  <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <table style="width: 100%;"> <tr> <td style="vertical-align: top;"> <b>PERSONAL INJURY</b>  <input type="checkbox"/> 310 Airplane  <input type="checkbox"/> 315 Airplane Product Liability  <input type="checkbox"/> 320 Assault, Libel &amp; Slander  <input type="checkbox"/> 330 Federal Employers' Liability  <input type="checkbox"/> 340 Marine  <input type="checkbox"/> 345 Marine Product Liability  <input type="checkbox"/> 350 Motor Vehicle  <input type="checkbox"/> 355 Motor Vehicle Product Liability  <input type="checkbox"/> 360 Other Personal Injury  <input type="checkbox"/> 362 Personal Injury - Medical Malpractice           </td> <td style="vertical-align: top;"> <b>PERSONAL INJURY</b>  <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability  <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability  <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability   <b>PERSONAL PROPERTY</b>  <input type="checkbox"/> 370 Other Fraud  <input type="checkbox"/> 371 Truth in Lending  <input type="checkbox"/> 380 Other Personal Property Damage  <input type="checkbox"/> 385 Property Damage Product Liability           </td> </tr> </table> <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability
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| **FORFEITURE/PENALTY**  ☐ 625 Drug Related Seizure of Property 21 USC 881  ☐ 690 Other   **LABOR**  ☐ 710 Fair Labor Standards Act  ☐ 720 Labor/Management Relations  ☐ 740 Railway Labor Act  ☐ 751 Family and Medical Leave Act  ☐ 790 Other Labor Litigation  ☐ 791 Employee Retirement Income Security Act   **IMMIGRATION**  ☐ 462 Naturalization Application  ☐ 465 Other Immigration Actions | **BANKRUPTCY**  ☐ 422 Appeal 28 USC 158  ☐ 423 Withdrawal 28 USC 157   **PROPERTY RIGHTS**  ☐ 820 Copyrights  ☐ 830 Patent  ☐ 840 Trademark   **SOCIAL SECURITY**  ☐ 861 HIA (1395ff)  ☐ 862 Black Lung (923)  ☐ 863 DIWC/DIWW (405(g))  ☐ 864 SSID Title XVI  ☐ 865 RSI (405(g))   **FEDERAL TAX SUITS**  ☐ 870 Taxes (U.S. Plaintiff or Defendant)  ☐ 871 IRS—Third Party 26 USC 7609 |
| **OTHER STATUTES**  ☐ 375 False Claims Act  ☐ 400 State Reapportionment  ☐ 410 Antitrust  ☐ 430 Banks and Banking  ☐ 450 Commerce  ☐ 460 Deportation  ☐ 470 Racketeer Influenced and Corrupt Organizations  ☐ 480 Consumer Credit  ☐ 490 Cable/Sat TV  ☐ 850 Securities/Commodities/Exchange  ☐ 890 Other Statutory Actions  ☐ 891 Agricultural Acts  ☐ 893 Environmental Matters  ☐ 895 Freedom of Information Act  ☐ 896 Arbitration  ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision  ☐ 950 Constitutionality of State Statutes | |

<b>V. ORIGIN</b> (Place an "X" in One Box Only)					
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation

<b>VI. CAUSE OF ACTION</b>	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>28 U.S.C. §1332(a)(1), 1441 and 1446</u> Brief description of cause: <u>Personal injury due to allegedly defective mail inserter machine.</u>
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<b>VII. REQUESTED IN COMPLAINT:</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	<b>DEMAND \$</b> <u>&gt;\$50,000</u>	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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<b>VIII. RELATED CASE(S) IF ANY</b> <u>N/A</u> (See instructions):	JUDGE _____	DOCKET NUMBER _____
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DATE <u>9/26/14</u>	SIGNATURE OF ATTORNEY OF RECORD <u>Rochelle M. Fedullo</u>	FOR OFFICE USE ONLY RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

JOHANNA EGAN	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	NO.
BOWE BELL & HOWELL CO., INC.	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See §1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff's regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255 ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2 ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks (X)

September 26, 2014  
**Date**

Jonathan Dryer/Rochelle M. Fedullo  
**Attorneys-at-law**

Bell and Howell, LLC  
**Attorneys for Defendant**

215.627.6900  
**Telephone**

215.627.2665  
**Fax Number**

jonathan.dryer@wilsonelser.com  
rochelle.fedullo@wilsonelser.com  
**E-Mail Address**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

JOHANNA EGAN

: CIVIL ACTION

v.

: NO.

BOWE BELL & HOWELL CO., INC.

DISCLOSURE STATEMENT FORM

Please check one box:



The nongovernmental corporate party, \_\_\_\_\_  
in the above listed civil action does not have any parent corporation or publicly  
held corporation that owns 10% of its stock.



The nongovernmental corporate party, Bell and Howell, LLC, in the above listed  
civil action has the following parent corporation(s) and publicly held  
corporation(s) that owns 10% or more of its stock:

Contrado BBH Holdings, LLC

September 26, 2014  
Date

/s/ Jonathan Dryer/Rochelle M. Fedullo  
Signature

Counsel for: Bell and Howell, LLC

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

JOHANNA EGAN

: CIVIL ACTION

v.

BOWE BELL & HOWELL CO., INC.

: NO.

DISCLOSURE STATEMENT FORM

Please check one box:

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The nongovernmental corporate party, \_\_\_\_\_  
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☒

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corporation(s) that owns 10% or more of its stock:

Contrado BBH Holdings, LLC

September 26, 2014  
Date

/s/ Jonathan Dryer/Rochelle M. Fedullo  
Signature

Counsel for: Bell and Howell, LLC

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 7478 Oxford Avenue, Philadelphia, PA 19111

Address of Defendant: 3791 S. Alston Avenue, Durham, NC 27717

Place of Accident, Incident or Transaction: Philadelphia, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☒ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place \_ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify) \_\_\_\_\_

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☒ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify) \_\_\_\_\_

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that based upon the representations of counsel for plaintiffs the damages which plaintiffs claim to be recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs. However, by so certifying undersigned counsel does not concede that any damages are recoverable, or that potentially recoverable damages in fact exceed \$150,000.00.

☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: September 26, 2014

/s/ Rochelle M. Fedullo  
Attorney-at-Law

36428  
Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHANNA EGAN	:	CIVIL ACTION
	:	
v.	:	
	:	
BOWE BELL & HOWELL CO., INC.	:	NO.

**NOTICE OF REMOVAL**

Please take notice that Bell and Howell, LLC (incorrectly designated as Bowe Bell & Howell Co., Inc.), by its attorneys, hereby removes this action from the Court of Common Pleas of Philadelphia County, Pennsylvania to this court on the following grounds:

1. This action was commenced against Bowe Bell & Howell Co., Inc. (an incorrect designation for Bell and Howell, LLC), in the Court of Common Pleas of Philadelphia County, Pennsylvania on or about August 22, 2014, by the filing of a complaint. A true and correct copy of the complaint is attached hereto marked Exhibit "A."

2. The complaint was served by registered mail on or about August 28, 2014, which is less than thirty days from the filing of this notice, and seeks damages "in excess of \$50,000" on a number of counts.

3. The complaint attached hereto as Exhibit "A" is the only pleading served to date.

4. According to the complaint at Paragraph 1, plaintiff Johanna Egan is an individual citizen residing in Philadelphia, PA.

5. The complaint avers at Paragraph 2 that Bowe Bell & Howell Co., Inc. is a Delaware corporation with its principal place of business at 760 S. Wolf Road, Wheeling, IL 60090. By way of further answer, Bell and Howell, LLC is a Delaware limited liability company with its principal place of business at 3791 S. Alston Ave., Durham, NC 27713.

6. The complaint does not specify the amount of damages other than that they are in excess of \$50,000. However, plaintiff avers, *inter alia*, that the machine at issue severed her right index finger, that she is right hand dominant, and that she suffered excruciating pain as a result of the injuries. *See complaint, Paragraphs 19 through 21.* Accordingly, while Bell and Howell, LLC does not believe plaintiff is entitled to damages in any amount, it is believed, and therefore averred, that the amount in controversy herein exceeds the sum of \$75,000, exclusive of interest and costs.

7. This is an action between citizens of different states in which the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. This court would therefore have had original jurisdiction pursuant to 28 U.S.C. §1332(a)(1).

8. Given that the court would have had original jurisdiction had the case been commenced herein, it is removable pursuant to 28 U.S.C. §§1441 and 1446.

9. Upon the filing of this Notice of Removal, Bell and Howell, LLC will file a certified copy thereof with the Prothonotary of the Court of Common Pleas of Philadelphia County and provide written notice to all adverse parties.

WHEREFORE, defendant Bell and Howell, LLC, incorrectly designated as Bowe Bell & Howell Co., Inc., respectfully requests that this action be removed to this court and proceed further as though originally commenced herein.

Respectfully submitted,

WILSON ELSER MOSKOWITZ  
EDELMAN & DICKER LLP

By: 

Jonathan Dryer, Esquire  
Rochelle M. Fedullo, Esquire  
Pa. Attorney I.D. Nos. 34496/36428  
The Curtis Center, Suite 1130E  
Philadelphia, PA 19106  
215-627-6900  
215-627-2665 (fax)  
jonathan.dryer@wilsonelser.com  
rochelle.fedullo@wilsonelser.com  
Attorneys for Defendant,  
Bell and Howell, LLC

Dated: September 26, 2014



**CERTIFICATE OF SERVICE**

The undersigned counsel for Defendant Bell and Howell, LLC, hereby certifies that a true and correct copy of the foregoing Notice of Removal was filed electronically and is available for viewing and downloading by all parties via the Court's Electronic Filing System. In addition, a true and correct copy of same was served via regular United States mail to:

Richard P. Meyers, Esquire  
Paul, Reich & Myers, P.C.  
1608 Walnut Street, Suite 500  
Philadelphia, PA 19103

By: /s/Rochelle M. Fedullo  
Rochelle M. Fedullo, Esquire

Dated: September 26, 2014